

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the application of:

SAUER ET AL

04 AUG 2000

Serial No.: 09/446,128

Legal Staff
International Division

Filed : December 28, 1999

BOX PCT

For : PROCESS FOR FURTHER PROCESSING
OF SMALL GLASS PARTICLES

RESPONSE TO DECISION ON PETITION UNDER 37 C.F.R. 1.47(a)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Decision on Petition Under 37 C.F.R. 1.47(a) dated June 12, 2000, applicant respectfully requests reconsideration of the dismissal of the petition without prejudice. In the Decision, the U.S. Patent Office noted that only one item was deficient in the original Petition Under 37 C.F.R. 1.47(a). It was stated by Petitions Branch, that the allegation by applicant, that the inventor Sauer refused to sign the application was deemed to be insufficient.

In response to this one item, applicant sets forth the following details:

Christian Klepsch, the coinventor and a manager of the Assignee, Starshine Glastechnologic GmbH spoke with Sarolf Sauer and was personally informed by Dr. Sauer of his refusal to sign the original Declaration, which was presented to him on March 21, 2000.

A second attempt to have Dr. Sauer execute the Declaration was made in a letter to Dr. Sauer mailed on June 30, 2000. (Appendix A)

A third attempt to have Dr. Sauer execute the Declaration was made in a letter from Dr. Hans-Peter Neher's letter of July 7, 2000 (Appendix B) to Dr. Sauer and his lawyer Dr. Ingrid Weib.


Applicant encloses a copy of a letter received from Dr. Sauer and Dr. Sauer's attorney, dated July 21, 2000. (Appendix C & D) The letters are a response to the renewed request dated July 7, 2000 to have Dr. Sauer execute the Declaration. The letter clearly states that he refuses to sign the Declaration and further, he gives what he believes are his insufficient reasons or allegations for his refusal to sign.

Mr. Sauer was a manager of the original applicant, and left the company and has refused to fulfill his employment obligations.

In view of the expressed facts and details, it is now clear that the non-signing inventor has been provided with the application papers and has refused to execute them.

A copy of the Decision on Petition is enclosed along with a request that the petition now be granted. If any additional fees are due or owing, please charge Deposit Account No. 08-2455 the deficiency.

Respectfully submitted,



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August 4, 2000
Enclosures

Attorney Docket: A-6865.R